

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOELLEN REVELLA,

Plaintiff,

-against-

**AFFIDAVIT IN OPPOSITION**

Docket No.: 07 CV 03692

KOHL'S DEPARTMENT STORES, INC.,,

Defendants.  
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STATE OF NEW YORK     )  
                                  :     SS.:  
COUNTY OF ORANGE     )

JOELLEN REVELLA, being duly sworn, deposes and says:

1. I am the plaintiff herein, and I make this affidavit in opposition to the defendant's motion to dismiss.

2. I was employed as an Assistant Store Manager for defendant Kohl's Dept. Stores, Inc. ("Kohl's") from November 22, 2002 until January 12, 2004.

3. I decided to re-locate, and on January 12, 2004, I gave Kohl's a letter of my resignation. A copy of my resignation letter is attached hereto as **Exhibit "1."**

4. Following, I applied, but was not hired by numerous employers:

- Cornel Univ. Medical College, January 2004;
- The Children's Place, February 2004;
- Home Depot, February 2004;
- Victoria's Secret, February 2004;
- Express, February 2004;
- Bed, Bath, and Beyond, Spring 2004;
- DSW Shoe Warehouse, April 2004;
- Filene's Basement, April 2004;
- Fortunoff, March 2004;
- Taylor Hudson Agency, December 2005;
- Century 21 Department Stores, December 2005; and,
- Linens-N-Things, January 2006.

5. On February 13, 2006, I was finally employed by Linens-N-Things as an Assistant Store Manager. A few days later, on February 20, 2006, I was suddenly fired from Linens-N-Things.

6. On February 24, 2006, Linens-N-Things informed me that I was terminated following the results of a screening through the United States Merchandisers Association (“USMA”), now known as the United States Information Service (“USIS”).<sup>1</sup> See, Linens-N-Things letter dated February 24, 2006 annexed hereto as **Exhibit “2.”**

7. Upon inquiry to USIS, I discovered that Kohl’s had falsely reported to USIS that I was terminated from their employ for the “unauthorized taking of merchandise” in the amount of “\$45.02.” A copy of the USIS report to issued Linens-N-Things on February 15, 2006, is annexed hereto as **Exhibit “3.”**

8. I immediately requested that USIS conduct an investigation regarding this erroneous information. A copy of my fax, confirming my conversation with a USIS representative, dated March 1, 2006, is annexed hereto as **Exhibit “4.”**

9. On March 2, 2006, Mr. Rizzardi, the regional director of loss prevention for Kohl’s, sent me a letter stating that they wrongfully reported this information, and corrected the incident report. A copy of this letter is attached hereto as **Exhibit “5.”** In addition, Mr. Rizzardi confirmed that I resigned from my position from Kohl’s on January 12, 2004 “under good terms.” See, id.

10. On March 28, 2006, USIS sent a confirming letter that their investigation was concluded and the incident report was deleted. A copy of this letter is annexed hereto as **Exhibit “6.”**

11. I was unable to secure employment for almost two (2) years from the potential employers listed above due to this false incident report created by Kohl’s, which is further evidenced by my termination from Linens-N-Things for the very same reason.

s/  
JOELLEN REVELLA

Sworn to before me this  
\_\_\_\_\_ day of July, 2007.

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<sup>1</sup> USMA/USIS is a national database wherein incidents of employee theft and fraud are reported by employers and reported to potential employers via background checks. The details of this service are more fully explained in plaintiff’s memorandum of law in opposition to defendant’s motion to dismiss.

s/  
NOTARY PUBLIC